

**Urging The New York State Department Of Environmental Conservation To Assume Lead Agency Status For The State Environmental Quality Review Process For The Pilgrim Pipeline Project**

Referred to: The Energy and Environment Committee (Chairman Peter Loughran and Legislators Parete, Rodriguez, Ronk and Wawro), and The Laws and Rules, Governmental Services Committee (Chairman Richard Parete and Legislators Donaldson, Greene, Roberts and Ronk)

Legislator Manna Jo Greene and Legislators Bartels and Warwo offer the following:

WHEREAS, on February 17, 2015, the Ulster County Legislature passed a memorializing Resolution #38 of 2015 Opposing the Pilgrim Pipeline that was sponsored by Legislator Manna Jo Greene and co-sponsored by Legislator Mary Wawro; and

WHEREAS, on November 18, 2015 Pilgrim Pipeline Company filed a Use and Occupancy Permit Application, which will be considered a State Environmental Quality Review Act (SEQRA) Type 1 action under 6 NYCRR Part 617; and

WHEREAS, the Pilgrim Pipeline company is proposing to build a bi-directional pipeline, spanning 178 miles, that would transport highly volatile Bakken crude oil and refined petroleum products (including gasoline and heating oil) between Albany, New York, and Linden, New Jersey. The proposed pipeline would run parallel to the New York State Thruway (I-87) from Albany connecting to terminals along the way before turning east at the I-287 beltway to reach the Phillips 66 Bayway refinery in Linden, New Jersey. In Ulster County, the pipeline path runs through the Towns of Esopus, Lloyd, New Paltz, Plattekill, Rosendale, Saugerties, and Ulster, and the City of Kingston; other affected counties in New York include Albany, Greene, and Orange Counties; and

WHEREAS, the County of Ulster is an involved agency in SEQR, which means that the County will be able to have a voice in determining who is Lead Agency of this project; and

WHEREAS, the New York State Thruway Authority has applied to serve as lead agency for the environmental review process; and

WHEREAS, this is a timely matter as a decision on lead agency will be made once comments have been received and after the 30-day review period ends on December 16, 2015; and

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WHEREAS, more than 20 New York municipalities, including the City of Kingston, have passed resolutions (both memorializing and otherwise) of opposition to this project after concluding that the risks and costs to our communities far outweigh any potential benefits, and that the project contradicts local and State energy goals; and

WHEREAS, the proposed pipeline threatens important resources of statewide concern, including the Hudson River and major tributaries, such as the Rondout, Esopus, and Catskill Creeks and Wallkill River, State-regulated wetlands and other resources that the DEC is responsible for protecting and is best equipped to ensure a full and adequate evaluation of environmental impacts; and

WHEREAS, the Pipeline presents a myriad of environmental concerns including: extraordinary cleanup efforts should a rupture occur, contamination of ground water and aquifers used by Ulster County residents for drinking water, and pollution of surface waters including the Sawkill, Plattekill, Esopus and Rondout Creeks and the Wallkill River, all of which are important tributaries of the Hudson River; and

WHEREAS, the NYS Department of Environmental Conservation (DEC), as the state environmental agency, is best suited to guide the environmental review of this large, multi-jurisdictional project that has the potential to impact environmental resources in 6 New York counties and 29 towns, and is the agency with the power and the expertise to ensure a comprehensive and coordinated review; and

WHEREAS, the DEC is one of the State agencies responsible for State efforts to mitigate climate change, and is best positioned to lead an evaluation of this project's potential impacts on climate; and

WHEREAS, the pipeline will traverse and impact private lands and resources outside of the Thruway right-of-way, including lands within Ulster County, and it is therefore more appropriate for the DEC than the Thruway Authority to play the lead role in evaluating the impacts to those lands and resources; now, therefore, be it

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RESOLVED, that the Ulster County Legislature hereby urges the Acting Commissioner of the New York State Department of Environmental Conservation to reject the request by the New York State Thruway Authority to serve as lead agency for the environmental review process and instead, direct the New York State Department of Environmental Conservation to assume the role of lead agency; and, be it further

RESOLVED, that the Clerk of the Ulster County Legislature shall transmit copies of this resolution to the Acting New York State Department of Environmental Conservation Commissioner Basil Seggos, Executive Deputy Commissioner Marc Gertsman, New York State Thruway Authority Chair Joanne Mahoney, New York State Thruway Authority Executive Director Robert Megna, New York State Department of Transportation Commissioner Matthew Driscoll, U.S. Senators Charles Schumer and Kirsten Gillibrand, U.S. Congressman Chris Gibson, Governor Andrew Cuomo, New York Public Service Commission Chairwoman Audrey Zibelman, Assembly Member Kevin Cahill, and Senator John Bonacic,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22      NOES: 1  
(Noes: Legislator Gerentine)

Passed Committee: Energy and Environment on December 9, 2015

Passed Committee: Laws and Rules, Governmental Services on December 14, 2015

FINANCIAL IMPACT:  
NONE

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 15<sup>th</sup> Day of December in the year Two Thousand and Fifteen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 16<sup>th</sup> Day of December in the year Two Thousand and Fifteen.

/s/ Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature